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May 12, 2003

FILE: 4100.002000

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37 C.F.R. § 1.8

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May 12, 2003
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Shelley P.M. Fussey

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RE: U.S. Application Serial No. 09/442,542; "Sustained DNA Delivery from Structural Matrices"; Shea, Bonadio, Mooney and Peters; (Client Reference: UM 1522P1)

Sir:

Enclosed for filing in the above-referenced patent application is a Supplemental Information Disclosure Statement, PTO-Form 1449 and copy of References C49 and C50.

No fees are believed to be due in connection with the filing of this Supplemental Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to the enclosed materials, the Assistant Commissioner is hereby authorized to deduct said fees from Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/4100.002000.



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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Shea, Bonadio, Peters and Mooney

Serial No.: 09/442,542

Filed: November 18, 1999

For: SUSTAINED DNA DELIVERY FROM
STRUCTURAL MATRICES

Group Art Unit: 1636

Examiner: Kaushal, S.

Atty. Dkt. No.: 4100.002000

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Supplemental Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record in the present case. Copies of the listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

In accordance with 37 C.F.R. §§ 1.97(g),(h), this Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

First and second non-final Official Actions on the merits have been received in the present application. However, this Supplemental Information Disclosure Statement is being filed prior to the mailing of a final Official Action, notice of allowance or an Action that closes prosecution, and is timely filed in accordance with 37 C.F.R. § 1.97(c) without a fee in light of the following information.

In accordance with 37 C.F.R. § 1.97(e)(2), it is hereby certified that the documents listed in the accompanying Form PTO-1449 were not cited in a communication from a foreign patent office in a counterpart foreign application. The listed documents became known to other legal representatives of the Applicants on or about May 05, 2003, and became known to Applicants' undersigned representative on or about May 07, 2003, which dates are both less than three months ago. This is evidenced by the redacted copy of a letter dated May 05, 2003 concerning the listed documents sent from other legal representatives of the Applicants and copied to Applicants' undersigned representative and others.

No fees should be due in connection with the filing of this Supplemental Information Disclosure Statement. However, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Examiner should contact the undersigned representative to discuss deduction from Williams, Morgan & Amerson, P.C., Deposit Account No. 50-0786/4100.002000.

Respectfully submitted,



Shelley P.M. Fussey, Ph.D.
Reg. No. 39,458
Agent for Applicant

WILLIAMS, MORGAN & AMERSON, P.C.
10333 Richmond, Suite 1100
Houston, Texas, 77042
(713) 934-4079
Date: May 12, 2003



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May 12, 2003

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Please date stamp and return the enclosed postcard evidencing receipt of these materials.



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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Shelley" or "S. Fussey".

Shelley P.M. Fussey
Reg. No. 39,458

Encls.

May 5, 2003

Dear

Further to my letter of March 20, 2003, enclosed are two additional references we just received: (1) Gunasekaran et al., 1993, "Mineralized Collagen as a Substitute for Autograft bone that can Deliver Bone Morphogenic Protein," 19th Ann. Meeting of the Society for Biomaterials; and (2) Gunasekaran et al., 1993, "Role of Mineralized Collagen as an Osteoconductive Biomaterial," 19th Ann. Meeting of the Society for Biomaterials.

Please do not hesitate to contact me if you have any questions concerning the above.

Very truly yours,

Encl
cc:

Shelley P.M. Fussey, Ph.D. (w/encl.)